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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
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10 JEROME TALLEY,)

11 Petitioner,)

12 v.)

13 REED HOLTGEERTS,)

14 Respondent.)
_____)

CASE NO. C05-2030-MJP-JPD

ORDER DIRECTING
SUPPLEMENTAL BRIEFING

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16 This is a federal habeas action brought pursuant to 28 U.S.C. § 2241. Currently before
17 the Court is petitioner's amended habeas petition, submitted to the Court on May 9, 2006, in
18 which petitioner appears to allege violations of his Sixth Amendment right to a speedy trial and
19 his Fourth Amendment right to be free from unreasonable searches arising from his arrest and
20 prosecution on state criminal charges. (*See* Dkt. No.17.) Respondent, at the Court's direction,
21 filed a response to the petition in which he argued that the petition should be dismissed for
22 failure to exhaust state court remedies. (Dkt. No. 20.)

23 Shortly after respondent filed his response in this matter, petitioner notified the Court
24 that he is now being held in contempt, indefinitely, pursuant to an Order of the King County
25 Superior

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1 Court. (*See* Dkt. Nos. 22 and 23.) While not entirely clear, it appears that the contempt order
2 was entered when petitioner refused to provide his fingerprints to the court at the time of his
3 sentencing. (*See* Dkt. Nos. 22 and 23.)

4 Petitioner has now filed another petition for writ of habeas corpus under § 2241, which
5 was posted in this action, in which petitioner alleges that he is currently being held in state
6 custody for contempt and that he has never been afforded a hearing or trial. (Dkt. No. 25.)
7 Petitioner contends that his current custody is in violation of the Constitution, laws, or treaties of
8 the United States.

9 Because petitioner's new petition challenging his incarceration pursuant to a contempt
10 order arises out of the same criminal proceedings which petitioner challenges in his amended
11 habeas petition, the Court deems it appropriate to address the issue raised in the new petition in
12 this action. However, before proceeding to disposition of this matter, the Court will require
13 further briefing from the parties.

14 Accordingly, the Court does hereby ORDER as follows:

15 (1) The Clerk shall send respondent a copy of petitioner's July 17, 2006, petition for
16 writ of habeas corpus.

17 (2) Respondent shall file a response to petitioner's contention that his current custody
18 pursuant to a contempt order violates his constitutional rights. Respondent shall file and serve
19 his response not later than ***October 10, 2006***.

20 (3) Petitioner may file a reply to respondent's response not later than ***October 17,***
21 ***2006***.

22 (4) This matter is NOTED on the Court's calendar for consideration on ***October 20,***
23 ***2006***. Petitioner's motion for an evidentiary hearing (Dkt. No. 23) is RE-NOTED for the same
24 date.

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1 (5) The Clerk is directed to send a copy of this Order to the Hon. Marsha J. Pechman.

2 DATED this 20th day of September, 2006.

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4 JAMES P. DONOHUE
5 United States Magistrate Judge
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